

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RAUL GARCIA,

Plaintiff,

No. 3:16-cv-00390-SB

v.

UNION PACIFIC RAILROAD COMPANY,  
a Delaware Corporation; JERRALD MOORE,

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Stacie Beckerman issued a Findings and Recommendation (#19) on June 24, 2016, in which she recommends that this Court dismiss Defendant Moore from the action, dismiss Plaintiff's second and fourth claim with prejudice, and dismiss Plaintiff's third claim with leave to amend. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt,


840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Stacie Beckerman's Findings & Recommendation [19]. Accordingly, Defendant's motion to dismiss [7] is granted. Defendant Moore is dismissed from the action. Plaintiff's second and fourth claims are dismissed with prejudice. Plaintiff's third claim is dismissed with leave to amend.

IT IS SO ORDERED.

DATED this 10 day of August, 2016.

  
MARCO A. HERNANDEZ  
United States District Judge